**CABE-SUGGESTED POLICY REPLACEMENT**

~~**Series 4000**~~
**4118.14P**

**PERSONNEL**

# NONDISCRIMINATION ON THE BASIS OF DISABILITIES

## ~~EMPLOYEES AND SECTION 504 OF THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990 - POLICY~~

The Board of Education prohibits discrimination against any individual with a disability with regard to recruitment, advertisement and job application procedures; hiring, upgrading, promotion, awarding of tenure, demotion, transfer, layoff, termination, right of return from layoff, employee compensation, job assignments, job classifications, organizational structures, position descriptions, lines of progression and seniority lists, leaves of absence, sick leave or other leaves, fringe benefits or job training.

Federal law defines a person with a disability as one who (1) has a mental or physical impairment which substantially limits one or more major life activities such as, but not limited to, caring for one's self; performing manual tasks walking, seeing, hearing, eating, sleeping, standing, sitting, reaching, lifting, bending, reading, writing, concentrating, thinking, communicating, interacting with others, speaking, breathing, learning or working; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. The Board will afford qualified disabled individuals reasonable accommodations. The Supreme Court of the United States has recognized that individuals with a communicable disease may be considered disabled.

The Board of Education recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents and members of the public who participate in school-sponsored programs. No discrimination against any person with a disability will be knowingly permitted in any of the programs and practices in the school system.

With regard to its employees, the Board specifically prohibits discrimination against any individual with a qualified disability with regard to recruitment, hiring, promotion or advancement, compensation, evaluation, training, or any other aspect of employment within the school system. The Board will afford qualified disabled individuals reasonable accommodations in accordance with state and federal law.

Disabled employees who can no longer perform essential job functions are encouraged to advise their supervisors or administrators of the nature of their disability and which functions cannot be performed. The Board will consider any reasonable suggestions of accommodation that would enable performance of those functions so long as the accommodation will not

impose an undue hardship on the operation of the school system. The term "disability" shall be broadly construed. The determination of whether an individual has a disability should not demand extensive analysis.

A person is not qualified to perform his/her duties if his/her medical condition or disability poses a threat to health or safety of individuals in the workplace.

Persons, including employees of the district, that feel they may have been discriminated against on the basis of a disability should contact the Director of Pupil Personnel Services.

Employees seeking accommodations for a disability in order to perform essential job functions are encouraged to contact their supervisors or administrators and/or the Director of Pupil Personnel Services. Employees who are interested in requesting or discussing reasonable accommodations for a disability should contact:

**Director of Pupil Services and Special Education**
**215 Halls Hill Road, Colchester, CT 06415, 860-537-3103**

Optional language for Fragrance and Chemical Sensitivities: It is also the District's goal to be sensitive to employees with perfume and chemical sensitivities. Employees who are sensitive to perfumes and chemicals may suffer potentially serious health consequences. In order to accommodate employees who are medically sensitive to the chemicals in scented products, the District requests that individuals refrain from wearing chemical-based scented products. These products include perfume, cologne, aftershave, body spray, scented lotion, fragranced hair spray or similar products. In addition, the District requests that spray or solid air fresheners, room deodorizers, plug-in wall air fresheners, cleaning compounds or similar products not be used.

(cf. 0521 - Nondiscrimination)
(cf. 4112.4/4212.4 - Health Examinations)

Legal Reference: Connecticut General Statutes
10-209 Records not to be public.
19-581 AIDS testing and medical information.
46a-60 Discriminatory employment practices prohibited.
Federal Law
Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).
American Disability Act of 1989, 42 U.S.C. 12101 et. seq., as amended by the ADA Amendments Act of 2008
29 CFR, Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as amended, published in the Federal Register, Vo. 76, No. 58, 3/25/11
*Chalk v. The United States District Court of Central California.*

Amendments of Americans with Disabilities Act, Title II and Title III, Regulation to Implement ADA Amendments Act of 2008. Federal Register, Vol. 81, No. 155 (28 CFR Parts 35 & 36)

Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 ("Title II" or "ADA") prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA ("collectively, "Section 504/ADA"), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, the Colchester Public Schools recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs. In this regard, the Colchester Public Schools prohibit discrimination against any person with a disability in any of the services, programs or activities of the school system.

Employees who are interested in requesting or discussing reasonable accommodations for a disability should contact:

**Director of Pupil Services and Special Education**
**215 Halls Hill Road, Colchester, CT 06415, 860-537-3103**

Any employee may file an internal grievance/complaint regarding discrimination on the basis of disability by or within the district by utilizing the grievance/complaint procedures outlined in the Board's Administrative Regulations Regarding Employees and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109- 3921
(617) 289-0111

~~Employees may also file a complaint regarding employment discrimination on the basis of disability with the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (TELEPHONE NUMBER 800-669-4000).~~

~~Employees may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 25 Sigourney Street, Hartford, CT 06106 (TELEPHONE NUMBER 800-477-5737).~~

~~Anyone who wishes to file a grievance/complaint with the district, or who has questions or concerns about this policy, should contact the Section 504/ADA Coordinator for the Colchester Public Schools, at phone number 860-537-3103.~~

~~Legal References:~~

~~29 U.S.C. §§ 705, 794~~
~~34 C.F.R. Part 104~~
~~42 U.S.C. § 12101~~ et seq~~.~~
~~28 C.F.R. Part 35~~

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| Policy Adopted: | April 8, 2008 |
| Policy Revised: | May 14, 2013 |
| Policy Revised: | June 9, 2015 |
| Policy Revised: | October 13, 2016 **(Replaces #4218.14)** |
| Policy Revised: | May 11, 2021 (Reinstates policy #4118.14) |